



OFFICE OF THE GOVERNOR

ROD R. BLAGOJEVICH - GOVERNOR

# NEWS

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## **Governor Blagojevich Signs Attorney General Madigan Legislation Cracking Down on High-Tech Peeping Toms**

SPRINGFIELD – Gov. Rod R. Blagojevich today signed House Bill 4275, legislation initiated by Attorney General Lisa Madigan that updates the state’s unauthorized recording laws to address new high-tech options available to Peeping Toms.

With the emergence of camera phones and mini wireless cameras that can be hidden from view in items like lava lamps and clock radios, voyeurs have more tools than ever before to watch unsuspecting individuals in private places like hotel rooms and public restrooms. And until today, law enforcement officials in Illinois were limited in their ability to investigate and prosecute people who use these high tech devices to obtain live images.

“The intent of our laws has been to protect people from invasions of privacy. But with the fast evolution of high tech equipment that now allows people to get live footage through very well-hidden cameras, we need to update our statutes so they keep up with new tactics being used to invade privacy,” said Gov. Blagojevich.

“Our state’s current unauthorized recording laws are 20<sup>th</sup> century statutes that are no match for 21<sup>st</sup> century technology,” Madigan said. “This new law will crack down on criminals who use technology to violate their victims. Laws are not effective if they do not keep pace with the people who abuse them. New technologies present law enforcement with new opportunities, but they also present new challenges.”

The new law, sponsored by state Rep. John Millner (R-Carol Stream) and state Sen. Don Harmon (D-Oak Park), updates the state’s unauthorized videotaping statute by making it illegal to record or transmit live video images of a person in private locations without his or her permission. The measure closes a loophole that made it difficult for prosecutors to bring charges against individuals if they were using electronic devices to watch people *live* instead of recording the images.

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## ADD 1//Governor signs legislation cracking down on Peeping Toms

The new law also prohibits the dissemination of unauthorized video images over the internet, and tightens the definition of unauthorized activity to include placing a hidden video device with the intent to transmit or record the images captured. Now a person can be charged if a camera or recording device is found, even if actual recordings or transmissions are not found.

Madigan pointed to a specific case in which a pediatric dentist placed a wireless camera in his office bathroom and used it to watch his staff. Because the images were not recorded, the unauthorized videotaping charges were dismissed.

Under the new law, penalties are more severe for people who capture images of children under the age of 18, and for people who are required to register under the Sex Offender Registration Act. In cases where people are victimized in their own homes, the penalty is increased from a Class A Misdemeanor to a Class 4 Felony. If the person disseminates the image, the charge is increased from a Class 4 to a Class 3 Felony. If images are disseminated by a sex offender, or if the images are of a child, the penalties are increased from a Class 4 Felony to a Class 2 Felony.

“I thank Attorney General Madigan for her collaboration in an effort to recognize and address the problem of changing technology and stagnant laws,” Millner said. “Together we have been able to circumvent the use of antiquated terms such as ‘recording’ and craft a new law that will make a real difference to the privacy rights of Illinois residents.”

“With the growing popularity of digital cameras and other small electronic recording devices and the newfound ability to transit live images over the internet, we need to update our laws to protect the privacy of individuals,” Harmon said. “This new law will go far in addressing many issues and concerns created by the evolution of new technology.”

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